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NEW MEXICO ENVIRONMENT DEPARTMENT

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BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Deputy Secretary

Certified Mail – Return Receipt Requested

August 21, 2017

Mr. Scott Berry, City Manager
City of Raton
224 Savage Avenue
Raton, NM 87740

Re: City of Raton, Raton Airport, Colfax County, New Mexico; Unpermitted MSGP; SIC 4581; Compliance Evaluation Inspection; NPDES Tracking No. NMU001936; July 20, 2017

Dear Mr. Berry:

Enclosed please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Robert Houston
Environmental Protection Agency, Region 6
NPDES Enforcement Branch (6EN-WS)
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Sarah Holcomb, Program Manager
New Mexico Environment Department
Surface Water Quality Bureau (N2050)
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

If you have any questions about this inspection report, please contact Erin S. Trujillo at 505-827-0418 or erin.trujillo@state.nm.us.

Sincerely,

/s/Shelly Lemon

Shelly Lemon, Chief
Surface Water Quality Bureau

Mr. Berry, Raton Airport, NMU001936

August 21, 2017

Page 2 of 2

cc: Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
David Long, USEPA (6EN-WM) by e-mail
David Esparza, USEPA (6EN-WM) by e-mail
Amy Andrews, USEPA (6EN-WM) by e-mail
Robert Houston, USEPA (6EN)
Darlene Whittten-Hill, USEPA (6EN) by e-mail
Robert Italiano, NMED District II by e-mail



Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 <input type="text" value="N"/> 2 <input type="text" value="5"/> 3 <input type="text" value="N"/> <input type="text" value="M"/> <input type="text" value="U"/> 4 <input type="text" value="0"/> <input type="text" value="0"/> 5 <input type="text" value="1"/> 6 <input type="text" value="9"/> 7 <input type="text" value="3"/> 8 <input type="text" value="6"/> 9 10 11 12 <input type="text" value="1"/> <input type="text" value="7"/> <input type="text" value="0"/> <input type="text" value="7"/> <input type="text" value="2"/> <input type="text" value="0"/> 13 14 15 16 17 18 <input type="text" value="~"/> 19 <input type="text" value="S"/> 20 <input type="text" value="2"/>					
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Inspection Work Days		Facility Evaluation Rating		BI QA Reserved	
67 <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> 69		70 <input type="text" value="2"/>		71 <input type="text" value="N"/> 72 <input type="text" value="N"/> 73 <input type="text" value=""/> <input type="text" value=""/> 74 75 <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> 80	

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time /Date ~1255 hours / 07/20/2017	Permit Effective Date 2015 MSGP August 12, 2015
	Exit Time/Date ~1415 hours / 07/20/2017	Permit Expiration Date 2015 MSGP June 4, 2020
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)		Other Facility Data
Dusty Longwill, Airport Manager, Express Aviation Services, Inc., 575-455-3076		
Name, Address of Responsible Official/Title/Phone and Fax Number	Yes <input type="checkbox"/> * <input type="checkbox"/> No <input type="checkbox"/>	Latitude: 36.745058° Longitude: -104.506297° Primary SIC 4581 (Airports and Airport Terminal Services) Sector S (Air Transportation)
Mr. Scott Berry, City Manager, City of Raton, 224 Savage Ave., Raton, NM 87740 / 575-445-9551		

Section C: Areas Evaluated During Inspection (S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	Permit	N	Flow Measurement	N	Operations & Maintenance	N	CSO/SSO
U	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
S	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	U	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

See attached combined report and further explanations for both the City of Raton, NPDES Tracking ID NMU001936 and Express Aviation Services, Inc. (Fixed Based Operator or FBO), NPDES Tracking ID NMU001937. Both the City (Airport Authority) and the FBO appear to be multiple operators at the above-referenced airport.

Name(s) and Signature(s) of Inspector(s) Erin S. Trujillo /s/Erin S. Trujillo	Agency/Office/Telephone/Fax NMED/SWQB / 505-827-0418	Date 08/21/2017
Signature of Management QA Reviewer Jennifer Foote /s/Jennifer Foote	Agency/Office/Phone and Fax Numbers NMED/SWQB / 505-827-0596	Date 08/21/2017

**City of Raton / Raton Airport
NPDES Tracking No. NMU001936
and
Express Aviation Services, LLC / Raton Airport
NPDES Tracking No. NMU001937
Compliance Evaluation Inspection
July 20, 2017
Further Explanations for Both Operators**

Introduction

On July 20, 2017, a Compliance Evaluation Inspection (CEI) was conducted by Erin S. Trujillo of the State of New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB) at the Raton Municipal Airport, 33788 South U.S. Highway 64, Raton, NM 87740 in Colfax County. NMED performs a certain number of CEIs for the United States Environmental Protection Agency (USEPA) each year. The purpose of this inspection was to document the operator's status or compliance with the Federal Clean Water Act (CWA), National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater discharges associated with industrial activity under 40 Code of Federal Regulations (CFR) 122.26 and USEPA industrial stormwater Multi-Sector General Permit (MSGP).

More information on federal CWA, NPDES regulations and MSGP is provided in Appendix A. Categories of facilities considered to be engaging in "industrial activity" for purposes of 40 CFR 122.26(b)(14)(viii) include transportation facilities classified as Standard Industrial Classifications (SIC) 45, which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. For example, SIC 4581 are airports, flying fields, and airport terminal services establishments. Under the transportation facility category, only those portions of the facility involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations or otherwise described in 40 CFR 122.26(b)(14) are included. Examples of potential pollutants associated with MSGP Sector S for air transportation and associated activities are listed in Appendix B.

Inspection Details

Upon arrival at approximately 1255 hours on the day of this inspection, Ms. Trujillo made introductions, presented credentials to Mr. Dusty Longwill, Airport Manager, Express Aviation Services, Inc., and discussed the purpose of the inspection. The inspector and Mr. Longwill toured the facility. Following the tour, the inspector conducted an on-site exit interview to discuss preliminary findings with Mr. Longwill. Information on the USEPA 2015 MSGP was also provided. The inspector left the facility at approximately 1415 hours on the day of this inspection.

This report is based on review of USEPA's on-line notice of intent (eNOI) database, files maintained by NMED, on-site observation by NMED personnel, and verbal and written information provided by the operator's representatives. Additional information was obtained from on-line sources including the facility's website at <http://www.ratonnm.gov/208/Airport>. USEPA's on-line databases for MSGP NOIs are Enforcement and Compliance History On-line (ECHO) database at <https://echo.epa.gov> and 2008 MSGP database at https://ofmpub.epa.gov/apex/aps/f?p=MSGP_2008:HOME:::. General Site and Topography Maps from readily-available on-line sources are provided in Appendix C.

On-Site Industrial Activity, Pollutant Sources and Pollutants

Raton Municipal Airport / Crews Field (KRTN) is a general aviation airport located 10 miles southwest of Raton. City of Raton owns and Express Aviation Services, LLC provides terminal services. Express Aviation Services, Inc. is an active Oklahoma foreign profit corporation with a date of authority in the State of New Mexico of September 9, 2014 (Source: New Mexico Secretary of the State on-line corporation search, http://www.sos.state.nm.us/Business_Services/Corporations_Overview.aspx).

Vehicle maintenance, equipment cleaning operations, and deicing operations occur at the airport. The facility had a maintenance shop and storage of other chemical products in an enclosed hanger and storage shed. One spill kit was observed in the maintenance shop for the facility. Two separate fuel storage locations and with secondary containment, as well as, two aircraft fueling vehicles were at the facility. Aircraft maintenance, cleaning, washing and detailing was described on the City's airport web site. The facility has an on-site stormwater conveyance system with drop inlets and culvert outlets.

Receiving Waters

Stormwater discharges are generally to the north-east to unnamed (unclassified) tributaries, thence to Parker Arroyo and to the south-southeast to unnamed (unclassified) tributaries, thence to Willow Creek that are all subject to 20.6.4.98 New Mexico Administrative Code (NMAC), thence to the Canadian River in classified Segment 20.6.4.305 NMAC.

Canadian River, from Cimarron River to the Colorado-New Mexico border, has designated uses of irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact. Canadian River Assessment Unit NM-2305.A_200 does not support marginal warmwater aquatic life and is listed as impaired for nutrient/eutrophication biological indicators. A Total Maximum Daily Load (TMDL) was prepared for nutrients in 2011. Additional information is available in USEPA approved 2016-2018 State of New Mexico Clean Water Act (CWA) §303(d)/§305(b), Integrated Report and List at <https://www.env.nm.gov/swqb/303d-305b/2016-2018/index.html>. The Canadian River TMDL is available at <https://www.env.nm.gov/swqb/Canadian/Pt2/index.html>.

Findings

City of Raton, Permit Findings

- City of Raton appears to be an operator (airport authority) engaging in industrial activities and did not obtain permit coverage by submitting a Notice of Intent (NOI) for stormwater discharges by the September 2, 2015 deadline in USEPA's NPDES 2015 MSGP (See 2015 MSGP Part 8.S.3.1 Permit Coverage/Submittal of NOI and Table 1-2, NOI Submittal Deadlines and Discharge Authorization Dates).

City of Raton submitted NOIs for the facility under the 2000 and 2008 permit (now expired) after the deadlines as follows:

<u>NPDES Tracking ID</u>	<u>Submitted</u>	<u>Coverage</u>	<u>MSGP</u>	<u>Deadline</u>
NMR05B162	05/20/2002	05/22/2002	2000 MSGP	12/29/2000
NMR05GF56	02/05/2009	03/07/2009	2008 MSGP	01/05/2009

After this CEI, additional information was provided indicating that the City of Raton submitted an NOI to obtain permit coverage under the 2015 MSGP on August 11, 2017 (NPDES ID NMR053517).

Express Aviation Services, LLC, Permit Findings

- Express Aviation Services, LLC appears to be an operator (Fixed Based Operator or FBO) engaging in industrial activities and did not obtain permit coverage by submitting a NOI for stormwater discharges by the September 2, 2015 deadline in USEPA's NPDES 2015 MSGP (See Part 8.S.3.1 Permit Coverage/Submittal of NOI and Table 1-2, NOI Submittal Deadlines and Discharge Authorization Dates of the 2015 MSGP).

Records Findings

- A written completed stormwater pollution prevention plan (SWPPP) and required documentation under the 2015 MSGP was not provided and/or was not readily available to the FBO representative on the day of this CEL.

After this CEL, the City's airport web site included a link to an incomplete SWPPP (not signed/not certified/not dated) with a date of November 11, 2016. The on-line document lists control measures or controls to be completed by tenants. The on-line SWPPP document did not document that Express Aviation Services, LLC signed/dated/certified the SWPPP. The on-line SWPPP did not clearly specify the MSGP requirements to be complied with by the airport authority or tenants, in this case the FBO (See Parts 8.S.3.2 MSGP Implementation Responsibilities for Airport Authority and Tenants and 8.S.3.3 SWPPP Requirements of the 2015 MSGP). The site map did not show all items required in Part 5.2.2 Site Description (Site Map) of the 2015 MSGP, for example:

- *waterbodies are listed as impaired and which are identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 waters*
- *locations of all stormwater monitoring points*
- *locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall 001, 002), indicating if you are treating one or more outfalls as "substantially identical" under Parts 3.2.3, 5.2.5.3, and 6.1.1, and an approximate outline of the areas draining to each outfall*

Comment

Operator representatives described that a future runway construction project at the municipal airport was being considered or planned. More information for owners and operators on the requirements under the USEPA Construction General Permit for storm water discharge associated with construction activity is available at <https://www.epa.gov/npdes/stormwater-discharges-construction-activities>.

Attachment A

Summary of Federal Clean Water Act (CWA) and Industrial Stormwater Permit Requirements

Section 301 (a) of the Federal Water Pollution Control Act states that *“Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.”* Federal regulations in 40 CFR Part 122.21(a) Duty to apply (1) states: *“Any person who discharges or proposes to discharge pollutants...must submit a complete application to the Director in accordance with this section and part 124 of this chapter.”*

Industrial stormwater has been regulated since the promulgation of United States Environmental Protection Agency (USEPA) Phase I stormwater program in 1990 under the federal Clean Water Act (CWA). Eleven (11) categories of “Storm Water Discharges Associated with Industrial Activity” are defined in 40 CFR 122.26(b)(14)(i)-(xi) that require coverage under an National Pollutant Discharge Elimination System (NPDES) permit. The definition uses either Standard Industrial Classification (SIC) codes or narrative descriptions to characterize the activities. SIC codes have been replaced by the North American Industry Classification System (NAICS), but continue to be utilized. On-line information on SIC and NAICS is available at:

<https://www.osha.gov/pls/imis/sicsearch.html>
<http://www.census.gov/eos/www/naics/index.html>

In the State of New Mexico, USEPA administers the NPDES Multi-Sector General Permit (MSGP) for stormwater discharges associated with industrial activity and the first permit was published on September 29, 1995 (Federal Register Volume 60, No. 189 on Friday 29, 1995, page 50953). USEPA’s 1995 MSGP listed pollutants associated with the various regulated sectors. USEPA’s MSGP was reissued in 2000, 2008 and 2015.

To obtain permit coverage under the MSGP, an operator must complete, or update, a written Stormwater Pollution Prevention Plan (SWPPP) that documents eligibility for permit coverage, and submit a notice of intent (NOI) to the USEPA each time the permit is reissued. Among other things, requirements in the MSGP include site-specific best management practices (BMPs), maintenance plans, inspections, employee training and annual reporting. BMPs include good housekeeping practices, minimizing exposure, erosion and sediment control, and management of runoff. For the industrial categories requiring permit coverage for stormwater discharges, the MSGP has identified 29 industrial sectors (e.g., Sector A thru Sector AC). Under the permit, operators must comply with sector-specific requirements associated with the primary industrial activity and any co-located industrial activities. The MSGP requires visual, and, for some sectors, analytical monitoring, to determine the effectiveness of implemented BMPs.

USEPA has developed a fact sheet for each of the 29 industrial sectors regulated by the MSGP. Each fact sheet describes the types of facilities included in the sector, typical pollutants associated with the sector, and types of stormwater control measures used to minimize the discharge of the pollutants. Fact sheets providing sector-specific BMP guidance for good housekeeping practices, minimizing exposure, erosion and sediment control, and management of runoff are available at:

<https://www.epa.gov/npdes/industrial-stormwater-fact-sheet-series>.

The current MSGP went into effect on June 4, 2015 and expires on June 4, 2020. More information on USEPA’s MSGP, including updated Notice of Intent (NOI) requirements, SWPPP and inspection templates, and reporting forms, is available at:

<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities>.

Attachment B

MSGP Sector S – Transportation Facilities Common Activities, Pollutant Sources and Associated Pollutants

Table 1. Common Activities, Pollutants Sources, and Associated Pollutants at Air Transportation Facilities

Activity	Pollutant Source	Pollutant
Aircraft deicing/anti-icing	Runoff of spent deicing chemicals (e.g. ethylene glycol or propylene glycol) from aircraft exteriors	Biochemical oxygen demand (BOD)
Runway deicing/anti-icing	Runoff of spent deicing chemicals (e.g. ethylene or propylene glycol, urea, potassium or sodium acetate, potassium or sodium formate) from deicing areas	BOD, nitrogen, ammonia
Aircraft servicing	Spills or leaks during servicing	Engine oil, hydraulic fluid, fuel, lavatory waste
Aircraft fueling	Spills and leaks during fuel transfer, spills due to "topping off" tanks, runoff from fueling areas, washdown of fueling areas, leaking storage tanks	Jet fuel, fuel additives, oil, lubricants, heavy metals
Aircraft, ground vehicle, and equipment maintenance and washing	Spills and leaks during maintenance	Engine oils, hydraulic fluids, transmission oil, radiator fluids, and chemical solvents
	Disposal of waste parts	Batteries, oil, fuel filters, oily rags
	Spent washwater	TSS, metals, fuel, hydraulic fluid, oil, lavatory waste
Runway maintenance	Materials removed from runway surface	Tire rubber, oil and grease, paint chips, jet fuel
	Chemicals used to clean the runway surface	Chemical solvents

Source: Industrial Stormwater Fact Sheet Series, Sector S: Vehicle Maintenance Areas, Equipment Cleaning Areas, or Deicing Areas Located at Air Transportation Facilities, U.S. EPA Office of Water, EPA-833-F-06-034, December 2006 available at https://www.epa.gov/sites/production/files/2016-04/documents/sector_s_airtransmaint.pdf.

Appendix C

Figures

Figure 1 - General Site Location
Source from NMED SWQB Mapper at <https://gis.web.env.nm.gov/SWQB/>

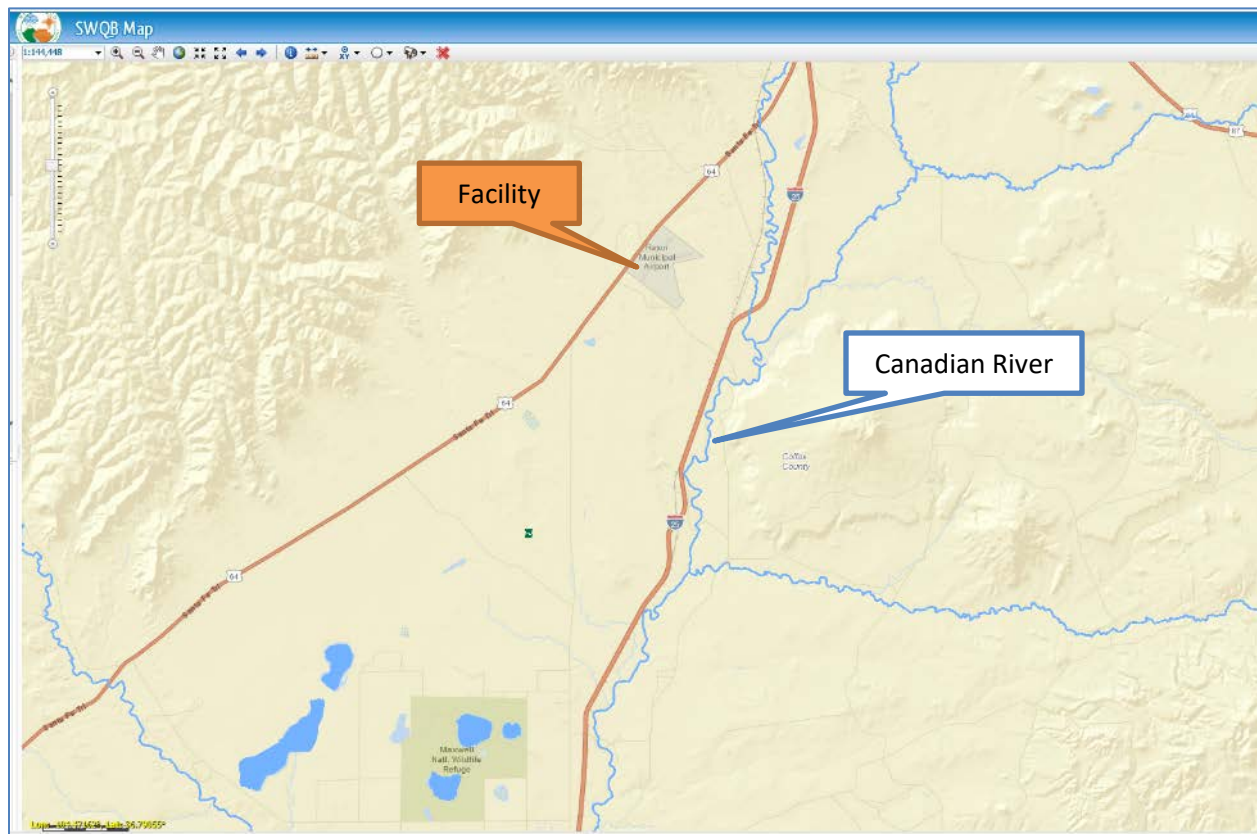


Figure 2 – Topography Map
Source from NMED SWQB Mapper at <https://gis.web.env.nm.gov/SWQB/>

